

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (BOSTON)

UNITED STATES of AMERICA,

Action No.: 1:04-cr-10119-MEL

v.

JAMES R. HART,
Defendant.

MOTION TO WAIVE PSR

NOW COMES DEFENDANT, James R. Hart, by his attorney, and moves the Court, respectfully, for an order pursuant to FRCrimP Rule 32(c)(1)(A)(ii) waiving the production of the PSR. The record enables the Court to meaningfully exercise its sentencing authority under 18 USC§3553 as the Court should find on the record.

Counsel believes there will be no material dispute as the amount of restitution. Counsel believes that the defense and the government can account for amounts of restitution the defendant has paid in related civil proceedings or settlements that will offset the amount of the loss. The government and the defense are in agreement that Mr. Hart's 29 months in pretrial detention amount to service of a 33-month Guidelines sentence.

US Probation is not inclined to conduct a partial PSR but will of course honor a waiver of the process approved by the Court. Mr. Bookbinder is not available to determine whether the government would object to this motion.

Dated this 13th day of April, 2007 at Boston, Massachusetts.

/s. *Kevin L. Barron*

Kevin Lawrence Barron 550712
Attorney for James R. Hart
453 Washington Street 5B
Boston, MA 02111-1325
Tel. No. 617-482-6368
Fax: 617-517-7711
Email: k@lawyerbarron.com

CERTIFICATE OF SERVICE

Counsel certifies that he has served AUSA Adam Bookbinder electronically with a true copy of this motion by the CM/ECF of this District today. No party requires service by mail.

/s. *Kevin L. Barron*

Kevin Lawrence Barron 550712